

United States District Court

for

THE DISTRICT OF GUAM

U.S.A. vs:

MICHAEL ATOIGUE BURGOS

Docket No.

CR 05-00007-001MARY L.M. MORAN
CLERK OF COURT**Petition for Action on Conditions of Pretrial Release**

COMES NOW ROBERT I. CARREON PRETRIAL SERVICES
presenting an official report upon the conduct of Michael Atoigue Burgos
who was placed under pretrial release supervision Joaquin V.E. Manibusan, Jr., Magistrate Judge
sitting in the court at Hagatna, Guam on 9th date of February 20 05
under the following conditions:

Report to the U.S. Probation Office and the Bureau of Immigration and Customs Enforcement as directed; maintain or actively seek employment; surrender his passport to the Clerk of Court of the U.S. District Court of Guam; obtain no passport; not leave Guam without the permission of the Court; avoid all contact, directly or indirectly with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution; refrain from possessing a firearm, destructive device or other dangerous weapons; refrain from any use of alcohol; refrain from any unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a licensed practitioner; and submit to drug testing. Conditions modified March 10, 2005 to include that upon unsealing of case, the defendant shall submit to drug treatment at the direction of the U.S. Probation Office.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

**(See attached Declaration in Support of Petition
by U.S. Probation Officer Robert I. Carreon)**

PRAYING THAT THE COURT WILL

Pursuant to 18 U.S.C. §3148(b), order that a summons be issued, and that this matter be set for a hearing, and at that hearing, the defendant be held to answer or show cause why bail should not be revoked or why conditions of release should not be modified, or for any other matter for which the Court may deem just and proper.

ORDER OF COURT

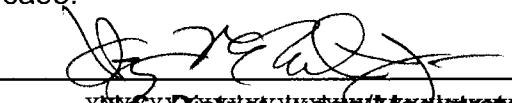
Considered and ordered 2nd day
of December, 2005 and ordered filed
and made a part of the records in the above
case.

Respectfully,


Robert I. Carreon
U.S. Pretrial Services Officer**RECEIVED**

DEC - 1 2005

Hagatna, Guam


JOAQUIN V.E. MANIBUSAN, JR.

Magistrate Judge

U.S. DISTRICT COURT MAGISTRATE

XX-XXXXXX-XXXXX/Magistrate XX

Case 1:05-cr-00007

Document 40

FILED 12/05/2005
DISTRICT COURT OF GUAM
HAGATNA, GUAM

November 30, 2005

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ORIGINAL

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM**

UNITED STATES OF AMERICA)	CRIMINAL CASE NO. 97-00142-001
Plaintiff,)	
)	
vs.)	VIOLATION REPORT
)	
MICHAEL ATOIGUE BURGOS)	
Defendant.)	
)	

Re: Request to Revoke Pretrial Release

I, Robert I. Carreon, am the U.S. Pretrial Services Officer assigned to supervise the Court-ordered conditions of pretrial release for Michael Atoigue Burgos and in that capacity declare as follows:

On October 27, 2005, Michael Atoigue Burgos was sentenced in the U.S. District Court of Guam for the offense of Conspiracy to Import Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§952(a), 960 and 963. He was sentenced to 120 months imprisonment, and 10 years supervised release. Conditions of supervised release included that he not commit another federal, state, and local crime, perform 300 hours Community Service, obtain and maintain lawful employment, not use or possess illegal controlled substances, submit to one drug test within 15 days of release from custody, and up to eight drug tests per month thereafter, submit to the collection of a DNA sample at the direction of the U.S. Probation Office, comply with the standard conditions of supervised release as set forth by the statute, not possess a firearm or other dangerous weapon, refrain from the use of any and all alcoholic beverages, participate in a program approved by the U.S. Probation Office for substance abuse which may include testing to determine whether the defendant has reverted back to the use of drugs or alcohol, and make a co-payment for treatment at a rate to be determined by the U.S. Probation Office; and pay a \$100 Special Assessment Fee. The Court allowed the defendant's release under current pretrial release conditions pending designation of a prison facility by the Bureau of Prisons, upon which time he is to self surrender to the U.S. Marshals Service. The Court strictly advised Mr. Burgos that any continued drug use violations during his release would jeopardize his release status.

VIOLATION REPORT

Request to Revoke Pretrial Release

Re: BURGOS, Michael Atoigue

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Special Condition: *The defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances.* On November 8, 2005, Mr. Burgos admitted to drug treatment counselor, William Melendez, that he **used methamphetamine on November 6, 2005**, after experiencing domestic problems at home. However, urinalysis conducted on November 8, 2005 was negative.

The defendant reported for urinalysis on **November 14, 2005 and tested positive** for methamphetamine use. He did not admit to any drug use and the sample was sent for laboratory analysis. Mr. Burgos reported to the U.S. Probation Office for a compliance meeting on November 17, 2005, and executed an admission form for using methamphetamine on November 11, 2005. He stated that continuing problems with his wife have caused him to continue his drug use. In order to assist Mr. Burgos with his marital problems, this Officer arranged to include family counseling into his present drug treatment counseling regimen. Mr. Burgos apologized for his drug use, and assured he would be able to refrain from further drug use.

After meeting with this Officer as outlined above on **November 17, 2005**, Mr. Burgos reported for urinalysis at the contracted drug testing provider as randomly scheduled. He tested positive for the use of methamphetamine but did not admit to any drug use. The sample was forwarded for laboratory confirmation. **Mr. Burgos failed to report to the probation officer on November 18, 2005** for the requisite compliance meeting. On November 19, 2005, Mr. Burgos admitted in a counseling session that he used methamphetamine on November 17, 2005. He executed a written admission form accordingly. Mr. Burgos explained that his continuing drug use was again due to his problems with his wife.

Recommendation: This officer requests, pursuant to 18 U.S.C. §3148, that this matter be scheduled for a hearing and a summons be issued for the defendant's appearance at that hearing to determine if bail should be revoked or why conditions of release should not be modified, or for any other matter for which the Court may deem just and proper.

Based on the above information, Mr. Burgos has demonstrated his inability to refrain from continuing illicit drug use. Despite strict warning from the Court and continued drug treatment, Mr. Burgos has used methamphetamine on three occasions. He also fails to report to the probation officer as required upon violating. As such, this Officer respectfully requests that the defendant be immediately remanded to the custody of the U.S. Marshal Service.

VIOLATION REPORT

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Executed this 1st day of December, 2005, at Hagatna, Guam, in conformance with provisions of Title 28 U.S.C. § 1746.

I declare under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Respectfully submitted,

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:



ROBERT I. CARREON
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Marivic P. David, AUSA
John Gorman, FPD
File